

Date: July 15, 1985

To: Bureau and District Air Staff

From: Dean Packard - AM/3

Subject: When Control Equipment is Considered Part of the Process

Ch. NR 406 , Wis. Adm. Code lists exemptions to permit requirements. These exemptions are based on the emission rates of air contaminants from the source without considering pollution control equipment. The issue which this memo addresses is when equipment, which is capturing material from an air stream, is to be considered air pollution control equipment; In the past our procedure has been to make this decision on the merits of each case. We will continue to decide this issue on a case-by-case basis, but this memo will establish some guidance which will aid in making this decision. In some case, it is clear that the equipment is part of the process and in other cases its only role is obviously pollution control equipment, with a large gray area between the two certainties. When there is any uncertainty concerning the purpose of the pollution control equipment it is recommended that the staff consult with the unit leader of the source review unit before making a determination.

There are four tests which should be used to determine when the equipment is to be considered part of the process or when it is to be considered as pollution control equipment. These tests should be applied in the order listed. When the equipment meets the requirements of any one test, it then should be considered as part of the process and not pollution control equipment. *It is* not necessary for it to comply with more than one test.

The First Test: is the equipment an integral part of the process? (i.e., will the process operate without the equipment. Most commonly this is when the equipment is being used to collect the primary product being manufactured so if the equipment were not operating, product would not be recovered and it would make no sense to operate the process.) One example is whey driers where cyclones and baghouses are used to collect product.

The Second Test: Is the equipment being used to capture at least one of the primary raw materials\* which is recycled back into the process? A good example of this is a shot blast or sand blast unit which capture shot or sand for reuse. A secondary collector which may capture dust which is not recycled is not considered part of the process

The Third Test: Is the equipment being used to capture byproduct\* from the manufacturing process which is then cycled back into the process?

The Fourth Test: Has the equipment been installed by the owner or operator for some purpose, but is not required for compliance with emission limits, to prevent nuisance problems, or to prevent violations of the NAAQS.

\* Control equipment which is used to collect waste materials is not considered as part of the

process, even when the waste material is being reclaimed by others. An example is solvent sold to a reclaimer. It may be difficult to determine when a substance is a waste material. What may be considered waste by one company may be considered raw material by another company: e.g., the solvents from one company is considered waste, but it is a raw material to the solvent reclaimer. If the material is captured and recycled into the same process, it is a raw material. If it is not recycled into the same process, it is a waste material.